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## **OLR Bill Analysis**

### **SB 916**

#### ***AN ACT AUTHORIZING CIVIL PENALTIES FOR THE FAULTY, CARELESS OR NEGLIGENT APPLICATION OF PESTICIDES.***

##### **SUMMARY:**

This bill makes it unlawful for a certified applicator to apply pesticide in a faulty, careless, or negligent manner.

The bill subjects a violator to penalties under the Connecticut Pesticide Control Act (CGS § 22a-46 *et seq.*). Violators are subject to a civil penalty of up to \$2,500 for each day a violation continues. Knowingly committing a violation of the law subjects a violator to criminal fines, prison time, or both.

The bill applies exemptions for certain people under existing law to the application prohibition, such as people using pesticide according to an experimental use permit.

EFFECTIVE DATE: October 1, 2013

##### **PENALTIES UNDER EXISTING LAW**

###### ***Civil and Criminal***

The bill makes it unlawful for a certified applicator to apply pesticide in a faulty, careless, or negligent manner and applies existing civil and criminal penalties to violators.

It authorizes the attorney general, on the complaint of the Department of Energy and Environmental Protection (DEEP) commissioner, to seek a civil penalty in Hartford Superior Court against violators of up to \$2,500 per day for each day a violation continues.

The law subjects certain knowing violators of the Pesticide Control Act to criminal penalties. Under the bill, only if a certified applicator

commits the prohibited application knowingly would he or she be subject to criminal penalties as follows:

1. a commercial applicator who knowingly violates the law faces a fine of up to \$5,000, imprisonment for up to one year, or both.
2. a private applicator who knowingly violates the law faces a fine of up to \$1,000, imprisonment for up to 30 days, or both.

Of the three prohibited acts, faulty, careless, and negligent application, it appears faulty or careless application could subject a certified applicator to these criminal penalties because they could be committed knowingly.

Under the Pesticide Control Act, the action, omission, or failure to act of any officer, agent, or other person acting for or working for any person is deemed to be the action, omission, or failure to act of the employer as well as the employee.

### ***Certification Denial, Revocation, or Suspension***

The law, unchanged by the bill, allows the DEEP commissioner to deny, revoke, or suspend an applicator's certification for applying a pesticide in a faulty, careless, or negligent manner.

## **BACKGROUND**

### ***Pesticide Applicator Certification***

Under the Pesticide Control Act, anyone who uses or supervises the use of a restricted use pesticide in the state must have a private or commercial certificate or permit unless the use is directly supervised by a certified applicator. A "restricted use pesticide" is a pesticide or its use that is classified as restricted by the U.S. Environmental Protection Agency or the DEEP commissioner.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/04/2013)

